

Message

From: Kleis, Andrew [AKleis@san Diego.gov]
Sent: 8/8/2018 3:22:47 PM
To: Laurie Walsh (Laurie.Walsh@waterboards.ca.gov) [Laurie.Walsh@waterboards.ca.gov]; Kozelka, Peter [Kozelka.Peter@epa.gov]; Smith, DavidW [Smith.DavidW@epa.gov]
CC: Widgerow, Davin [DWidgerow@san Diego.gov]; Mosolgo, Eric [EMosolgo@san Diego.gov]; Ngo, Raymond [RNgo@san Diego.gov]; Gavaldon, Alejandra [AGavaldon@san Diego.gov]
Subject: FW: Alternative Compliance Program - Pollutant Treatment Credits for Stream Restoration Projects Briefing
Attachments: Alternative Compliance Program - Pollutant Treatment Credits for Stream Restoration Projects.pdf; City of San Diego Planning Commission.docx

FYI... just making sure you are in the loop.

Thanks, Drew

From: James Whalen [mailto:james@jwhalen.net]
Sent: Tuesday, August 07, 2018 2:24 PM
To: Edmund Pert (ed.pert@wildlife.ca.gov) <ed.pert@wildlife.ca.gov>; Shelly Lynch (Michelle.R.Lynch@usace.army.mil) <Michelle.R.Lynch@usace.army.mil>; Mendel Stewart - USFWS (mendel_stewart@fws.gov) <mendel_stewart@fws.gov>; Gibson, David@Waterboards (David.Gibson@waterboards.ca.gov) <David.Gibson@waterboards.ca.gov>
Cc: Mark Wardlaw (Mark.Wardlaw@sdcounty.ca.gov) <Mark.Wardlaw@sdcounty.ca.gov>; Hansen, Mike <MHansen@san Diego.gov>; Gail.Sevrens@wildlife.ca.gov; Stephen M. Haase (smhaase@baldwinsons.com) <smhaase@baldwinsons.com>
Subject: FW: Alternative Compliance Program - Pollutant Treatment Credits for Stream Restoration Projects Briefing

Hi Ed, Gail, Shelly, Mendel and Dave: I am writing here as the City of San Diego Planning Commissioner who's been tasked with helping staff to organize the upcoming workshop on Stormwater Alternative Compliance. We just got the attached from the City of San Diego in response to the Planning Commission's request for what staff wants to come out of the September 13th Planning Commission workshop. It is a bit terse, but the idea is straightforward. Right now, the CDFW, USFWS, and ACOE all allow and in many cases insist that streambeds themselves are restored, enhanced and sometimes reestablished as part of their permitting regimes. The issue here is we want to do the same thing for the Regional Water Quality Control Board and get credit for stormwater management in addition to biological or dredge/fill mitigation. As has been noted before, this isn't "double-dipping" when the same place supports different functions. It is simply efficient use of land for more than one purpose. Conserving deep-rooted plants like chaparral and riparian also sequesters carbon for Climate Action Plans.

An industry meeting with the EPA is scheduled for August 17th in San Francisco to discuss the issue of in-stream restoration. The Water Board staff were invited to attend as well, but said they would pursue a separate path for now. As shown in the attachment, City staff has scheduled a meeting with the Water Board and EPA on August 14th to discuss the issue.

I'd like to re-confirm your attendance so we can get going on the staff report, coordination, etc. with the City. I am told Ed Pert has to be in Sacramento that day and has asked Gail to stand in for him. City staff has concurred with the proposed agenda (attached), so the one we sent you some weeks back is the one we will be using. What's envisioned and requested is that your agency would be scheduled during Agenda Item III. We'd like a brief statement of support, preceded by a short discussion of your respective roles and responsibilities and how integrating stormwater management into habitat conservation can be a win for all concerned. Perhaps a total of ten minutes per agency would be about right, but please advise on your own opinion. Then public testimony will be heard. After that, the Commission will want to ask questions and get to a consensus position to forward to the City Council.

Some of the issues worth thinking about:

- 1) Probably 95% of the existing developed areas in the City and County have ZERO stormwater treatment. It is a bigger bang for the buck to pay to treat areas to 50-60% clean from 0% clean than to go from 95% to 97% in new development. The best way to do that is to leverage constructed wetlands in the right kind of open space areas into stormwater treatment functions. Having large-scale treatment wetlands would allow for infill development to pay a fee and not waste land that could be used for housing;
- 2) The long term effect of stormwater treatment getting more and more efficient is that it will eventually begin to dry up the urban "slobber" that currently feeds the creeks in the urbanized areas. This could be a serious problem for those drainages that have adapted to much more water than would be there under natural conditions. For example, Agua Hedionda Creek has many least Bell's vireos that would not be there if they didn't have willow scrub habitat. Having well-sited treatment wetlands could allow for a supply of water to continue to go into these drainages without undue hydromodification, but cleaned up.
- 3) The City and County, as well as the other Co-Permittees, went out of their way to adapt the upcoming Alternative Compliance program to existing wetlands mitigation regulations. For example, they used the 2008 EPA Mitigation Rule as a planning basis for the compliance structure, so other agencies can take comfort knowing that these treatment wetlands will be assured similar to the way it is done with 1602 and 404 permits, as well as 401 certifications. This means that there will be endowments and long term management, including maintenance. A side benefit is that having another funding source will encourage jurisdictions to complete regional conservation plans when there is otherwise limited support. Everybody has to comply with stormwater rules, so it may as well be used to leverage other objectives.
- 4) At this point in time, the Alternative Compliance Program is in draft form, and City and County staff will be putting it out for public review after the PC workshop. An EIR is also planned, so the agencies will have plenty of time to learn about the program, share questions, express any concerns, and help make it an example of efficient good government. There will be a long term need to change the culture of organizations so that it won't be foreign or off-putting for people to use stormwater basins for recreation purposes, for example. The PC Workshop is a good way for all the parties to meet each other and begin to understand how all this could work.

Please let us know of any questions, concerns or anything else that comes to mind. This email will also get sent to other staff and stakeholders so they are in the loop. Thanks, JimW

James E. Whalen
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From: Tyler Martin
Sent: Tuesday, August 7, 2018 8:56 AM
To: James Whalen <james@jwhalen.net>
Subject: FW: Alternative Compliance Program - Pollutant Treatment Credits for Stream Restoration Projects

See attached.

Tyler L. Martin
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From: Ngo, Raymond <RNgo@san Diego.gov>
Sent: Monday, August 6, 2018 5:10 PM
To: Tyler Martin <tyler@jwhalen.net>
Cc: Mosolgo, Eric <EMosolgo@san Diego.gov>; Kleis, Andrew <AKleis@san Diego.gov>
Subject: Alternative Compliance Program - Pollutant Treatment Credits for Stream Restoration Projects

Good Afternoon Tyler,

I am emailing you in regards to the briefing materials about the stream/receiving water issue. Please see attached and let me know if you have any questions.

Thanks,
Ray

Raymond Ngo, PE
Associate Engineer – Civil
City of San Diego
Transportation and Storm Water Department

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